

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 20, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Guthrie. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Connie Vickery, Marc Carmichael, Jim Purucker, Debbie Rolfsen, Trevor Vance, Alex Intermill, Jeff McKean and Corby McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Guthrie moved to approve the minutes that were submitted for the July 6, 2010 meeting. The motion was seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Guthrie moved to approve the parties' agreed dispositions that were submitted for the July 20, 2010 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-04586 JODANG, LLC – Hearing Judge Dunsmore stated this permittee was cited for failing a compliance check, which is furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so a hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge, which requires the permittee to pay a \$500.00 fine for the violations. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Guthrie moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have

been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Guthrie moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred twenty-two (422) renewals approved, sixty-three (63) new and/or transfer permits approved, fourteen (14) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow, and three (3) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL06-05706 JOHN F. CUNNINGHAM ASSOCIATES, INC. – Commissioner Guthrie noted this is a type 217 transfer of ownership application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated that the applicant failed to appear at the meeting numerous times and did not respond to phone calls regarding this matter.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL06-04535 JOHN F. CUNNINGHAM ASSOCIATES, INC. – Commissioner Guthrie noted this is a type 217 transfer of ownership application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated that the applicant failed to appear at the meeting numerous times and did not respond to phone calls regarding this matter.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL18-06320 ESKAY OIL, INC., D/B/A HOOSIER PETE – Commissioner Guthrie noted this is a type 115 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated that the applicant failed to appear at the meeting numerous times.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR53-27025 PUCCINIS LA DOLCE VITA LLC – Commissioner Guthrie noted this is a new type 303 application with the local board voting four (4) to zero (0) to approve.

Major Poindexter stated this applicant has been cited for various violations at numerous times, including, but not limited to, furnishing alcoholic beverages to minors and operating at this location without having a valid alcoholic beverage permit. He recommended the Commission remand this application to the local board for further investigation.

Commissioner Guthrie moved to uphold the recommendation of the Major and remand this application to the local board. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make thirty-nine (39) permits inactive. Twenty-one (21) permits are not subject to auction and eighteen (18) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

DL77-13835 REEDY'S - Commissioner Guthrie stated the current owner of this permit signed two Consent to Transfer forms to two different entities and both of those entities filed transfer of ownership applications. It is the policy of this office to treat this situation on a first come/first serve basis.

Commissioner Guthrie moved to accept the first transfer of ownership application that was received, which belongs to Michael and Donna Lannan, and return the application to Big Red Liquors. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR50-27030 18571 STATE ROAD 10 LLC – Major Poindexter stated a type 210-1 and type 103 were denied by the Commission and were to be made inactive/pending auction. Because the type 103 being made inactive would create an opening on the quota, it should have been made inactive, but “subject to auction”. However, the type 210-1 was made “subject to auction” instead, which did create an opening and subsequently, an application was filed.

Major Poindexter recommended the Commission not process the application, refund the money and put the type 103 as a “pending auction” status, to be auctioned at the next Commission auction.

Commissioner Guthrie moved to uphold the recommendation of the Major. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Guthrie moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER